

USDA Foreign Agricultural Service

GAIN Report

Global Agricultural Information Network

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POLICY

Voluntary _ Public

Date: 11/14/2012

GAIN Report Number: RS1272

Russian Federation

Post: Moscow

Draft Amendments to the CU Regulation on Border Phytosanitary Control

Report Categories:

Sanitary/Phytosanitary/Food Safety

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Report Highlights:

On November 6, 2012, the Eurasian Economic Commission (EEC) published draft amendments to the Customs Union (CU) regulation on phytosanitary control at the CU border. The draft amendments are published for a 60-day public comments period starting November 6, 2012.

General Information:

On November 6, 2012, the Eurasian Economic Commission (EEC) published draft amendments to the Customs Union (CU) regulation on phytosanitary control at the CU border. The link to the relevant EEC webpage is: <http://www.tsouz.ru/db/techregulation/Pages/Publichnoe.aspx>. The original document on the phytosanitary control at the Customs Union border was adopted by Decision of the Customs Union Committee No. 318 of June 18, 2010 "On provision of plant quarantine in the Customs Union" (*CU decision 318*) and was stipulated in the Attachment 2 to this Decision. The draft amendments to the CU regulation of phytosanitary control at the CU border are published for a 60-day public comments period starting on November 6, 2012.

The non-official translation of the draft amendments is given below.

Draft

Changes and Amendments to the Regulations on the Procedure for Quarantine Phytosanitary Control (Supervision) at the Customs Border of the Customs Union

- 1) Section I. "Scope of Regulation", subparagraph 2 of paragraph 1.2 to read as follows:
"when regulated products are exported from the customs territory of the Customs Union".
- 2) Graph 2 of paragraph 1.3. to read as follows:
"Quarantine phytosanitary control (supervision) in respect of regulated quarantine products imported for diplomatic missions, consular and other official representatives of foreign governments, international organizations, the staff of these offices, agencies and organizations located on the customs territory of the Customs Union, as well as in respect of regulated quarantine products, intended for the personal use of certain categories of foreign persons benefiting from the privileges and (or) immunities under international law, including international exhibitions, is carried out in accordance with these Regulations, unless otherwise provided by international agreements of the Parties. "
- 3) In paragraph 1.4. sub-paragraph 1 shall be deleted.
- 4) In section II. "Terms and definitions" in paragraph 2.1. sub-paragraph 6 to read as follows:
"Quarantine objects (quarantine harmful organisms) (hereinafter the quarantine objects)" - harmful organisms that are absent or have limited distribution on the territories of the Parties and included in the universal list of quarantine objects of the Customs Union. "
- 5) Edit the term "quarantine object" of the section II. "Terms and definitions" as follows:
" quarantine object " - the land of any purpose, buildings, structures, tanks, storage areas, equipment, vehicles, containers, and other objects, which can be a source of access to the territory of the Customs Union and (or) distribution on this territory of quarantine objects".
- 6) Edit the section II. "Terms and definitions", the term "owner of quarantine objects" as follows:
"Owner of quarantine object - persons who own, use and dispose of quarantine objects"
- 7) The definition of "competent authorities" shall be as follows:
"Competent authorities (the National Organization for Plant Protection - NPPO) - national authorities of the Parties with a mandate in accordance with the International Convention on Plant Protection, performing the functions of quarantine phytosanitary control (supervision)"
- 8) The definition of "phytosanitary control post" to read as follows:
"Phytosanitary control post is a post of plant quarantine created at checkpoints across the customs

border of the Customs Union and in other places, which is equipped and fitted in accordance with the legislation of the Customs Union.

9) The definition of "Phytosanitary requirements" renamed "Quarantine phytosanitary requirements."

10) The definition of "expert organization" shall be amended as follows:

"Expert business organization in the structure of the NPPO has qualified specialists and equipped with the necessary technical means for the study of quarantine phytosanitary state of the samples (samples) of regulated quarantine products using the methods of laboratory control out of the place of sampling (taking samples) of regulated products.

11) In section III. "General provisions of the implementation of quarantine phytosanitary control at import" item 3.4. excluded.

12) Sub-paragraph 3 of paragraph 3.5. to read as follows:

3) the examination or inspection of regulated quarantine products - for regulated products of high and low pest risk ", in accordance with the laws of the Parties and quarantine phytosanitary requirements of the Party of the point of delivery, until the adoption of common quarantine phytosanitary requirements."

13) Paragraph 3.6. supplemented with a third paragraph as follows:

"If the visual inspection and (or) the analysis of samples (samples) of regulated products discovered organisms, similar in morphology to the quarantine objects (quarantine harmful organisms) the decision on the future movement of regulated products is made by a NPPO's official after receiving the results of examination, but not more than within 72 hours. "

13) Sub-paragraph 3 of paragraph 3.7. to read as follows:

"Inspection or inspection of regulated products of high and low pest risk."

14) Subparagraph 4 of paragraph 3.7. excluded.

15) Paragraph 3.9. to read as follows:

"Quarantine phytosanitary control (supervision) at import of regulated quarantine products followed in transit through the customs territory of the Customs Union to third countries in hermetically sealed, serviceable and sealed wagons, vans, containers, refrigerated lorries is conducted in place of the arrival of regulated products by documentary check and inspection of vehicles for the present of quarantine objects included in a unified list of quarantine objects (quarantine harmful organisms) of the Customs Union. The results of quarantine phytosanitary control (supervision) are executed by putting a properly stamp according to Annex 1 and making the act of quarantine phytosanitary control (supervision).

16) Item 3.10. to read as follows:

"The results of the implementation of quarantine phytosanitary control (supervision) in the place of arrival and the place of delivery are documented by:

1) the official of the authorized body of the Party, which carries out quarantine phytosanitary control (supervision), by affixing the permitting inscription (stamp) on the phytosanitary certificate (if available) and transport (shipping) document in accordance with Annex 1;

2) making the act of quarantine phytosanitary control (supervision) in accordance with Annex 2. "

17) Item 3.11. to read as follows:

"If the fee is envisaged for carrying out certain control measures and (or) an examination of the samples (samples) of regulated products, the amount of such fees is determined by the tariffs approved in the prescribed manner."

18) In section IV. "Measures for quarantine phytosanitary control (supervision) at import "part 3 of subparagraph 4.1.1. paragraph 4.1. to read as follows:

'permission to import quarantine objects (quarantine harmful organisms). "

19) Part 2 of paragraph 4.1.6. paragraph 4.1.to add with the words: "except as provided in the International Standard number 12".

20) Sub-paragraph 4.3.1. paragraph 4.3. to read as follows:

"On examination of quarantine products, the NPPO official conducts a visual inspection of regulated products."

21) Sub-paragraph 4.3.3. paragraph 4.3. to read as follows:

"When viewed regulated product, in the case of finding on its surface, in container and (or) package of organisms that are similar in morphology to the quarantine objects (quarantine harmful organisms), symptoms of plant diseases, signs of damage to the regulated products by quarantine objects (quarantine harmful organisms), inspection of regulated products is conducted in accordance with paragraph 4.4. hereof.

22) in section V. "The study of the samples (samples) of the regulated products."

23), paragraph 5.2. to read as follows:

"The results of analysis of samples of regulated products are reflected in the act of quarantine phytosanitary control (supervision).

On the results of examination of samples of regulated products make a report about the results of quarantine phytosanitary examination, signed by the expert (s). "

27) Paragraph 5.3. excluded.

28) Paragraph 5.5. excluded.

29) Add paragraph 5.6. and describe it as follows:

"The samples used in the analysis and assessment will not be returned to the owner, the expenses of the owner are not refundable."

30) In section VI. "Measures taken in case of detection of infection (blockage) of imported products subject to quarantine objects (quarantine harmful organisms)," Item 6.1. add the following paragraph 2 and read it as follows:

"In the case of finding quarantine weed seeds in the seeds (planting seeds) of regulated products the products to be returned or destroyed."

31) Paragraph 6.3. to read as follows:

"Regulated quarantine products at the request of the owner of products to be decontaminated by the owner if there are conditions for decontamination of regulated products in the place where the quarantine phytosanitary control (supervision) is conducted.

Conditions of transportation to the point of disinfection should prevent spread of quarantine objects on the way to the place of disinfection.

According to the results of disinfection a document shall be drawn up and regulated products are subject to inspection. "

32) In section VII. "Features of the quarantine phytosanitary control (supervision) of certain types of imported regulated products," part 2, paragraph 7.1. to read as follows:

33) "wood packaging and fixing materials. In course of examination or inspection of these quarantine

products the NPPO officer shall check on them a special marking in accordance with ISPM number 15."

34) Part 2 of paragraph 7.2. to read as follows:

"Meal/cake and other solid residues resulting from the extraction of vegetable fats and oils, grains and grain by-products that contained quarantine weeds (except for quarantine object *Striga spp*) shall be directed to the enterprise where the seeds are deprived of viability."

35) Part 3 of paragraph 7.2. to read as follows:

"other regulated quarantine products contaminated (clogged) with quarantine objects (quarantine harmful organisms), if import of such products is permitted in accordance with the Common quarantine phytosanitary requirements for regulated products."

36) Section 7 paragraph 7.3 to add the following lines:

"imports of quarantine objects into the territory of the Customs Union is not permitted, except for the cases of import for research purposes with the permission of the NPPO of the country of destination."

37) "Transitional provisions IX» deleted.

Annex

(Name of the authorized issuing authority)

ACT OF QUARANTINE PHYTOSANITARY CONTROL (SUPERVISION)

_____ number of _____

(Date of issue)

I, _____

(Position, name)

Held quarantine phytosanitary control (supervision) of regulated products

_____ (Name and number of regulated products)

and vehicles: _____

(Number of the vehicle)

received from: _____

(Name of country)

origin: _____

(Name of country)

phytosanitary certificate: _____

(Phytosanitary certificate number and date of issue)

issued: _____

(Name of country)

Exporter (sender): _____

(Company name and address)

Importer (receiver): _____

(Company name and address)

by _____ set _____

(Name of event)

for analysis or examination of regulated products, samples (samples): _____ pcs.

in the amount of _____ (if u rev.)

action pattern: _____

prescribed following quarantine phytosanitary measures: _____

act is in the presence of the owner (representative) of the cargo: _____

(Signature) (Name)

An official of the authorized body,

performing the functions of quarantine

phytosanitary control (supervision) _____

(Signature) (Name)

MP

Appendix to the Act of quarantine phytosanitary control (supervision)
 _____ number of _____

№	Name of regulated product	No. of phytosanitary certificate	Quantity of regulated product (in the corresponding units)	Selected average samples		
				Quantity	Unit of measurement	Action with sample

An official of the authorized body,
 performing the functions of quarantine
 phytosanitary control (supervision) _____
 (Signature) (Name)